

DOCKET NO.: JANS-0027/JAB-1498
Application No.: 10/030,202
Office Action Dated: June 6, 2003

PATENT

REMARKS/ARGUMENTS

Claims 1 to 22 are pending in this application and claims 5, 7, 16, 17 and 22 are withdrawn from consideration. Claims 1 to 4, 6, 8 to 15, and 18 to 21 are rejected under 35 U.S.C. § 112, second paragraph. Applicants are herein amending claims 1, 2, 8 to 12, and 15 and cancelling claims 5, 7, 16 and 17, without prejudice or disclaimer. Applicants are herein amending the specification to resubmit the Abstract of the Disclosure, as filed in the PCT application.

Applicants note that it appears that Reference AO was inadvertently not initialled by the Examiner in his review of the Form PTO-1449 submitted by applicants. Thus, applicants request the Examiner to initial Reference AO and return a copy of page 2 of Form PTO-1449 to applicants.

Amendments

Applicants are herein amending claims 1 and 2 to delete each use of the phrase "such as 2, 3 or 4" and present the Z moiety in a more proper format. Applicants are amending claim 12 to present it as dependent from method claims 1, 10 and 11. Applicants are herein amending claim 10 to present it as a method of treating a viral infection. Applicants are herein amending claim 11 to have it depend from any of compound claims 2 to 9. Applicants are herein amending claim 15 to delete each use of the term "suitable."

Applicants are herein amending claims 1, 2, 8, and 9 and cancelling claims 5, 7, 16, and 17, without prejudice or disclaimer, to delete the non-elected subject matter. Applicants wish to reserve the right to file divisional applications to pursue the non-elected subject matter.

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Applicants are herein amending the specification to add the ABSTRACT OF THE DISCLOSURE that was filed with the PCT Application of which the current application is a National Stage Application.

Applicants respectfully submit that the amendments to the claims are ministerial in nature; do not introduce new matter; and are fully supported by the specification, as originally filed.

Restriction Requirement

Applicants note that the restriction requirement has been made final, including the withdrawal from consideration of claim 22, which was first presented in the response filed on May 13, 2003. Applicants request reconsideration of the finality of the restriction with respect to claim 22 because it is appropriate that claim 22 is examined in the same application as claim 15 from which it depends. Applicants respectfully submit that the search and examination of claim 15 will necessarily reveal prior art relevant to claim 22, as well.

Rejection under 35 U.S.C. § 112, second paragraph

Claims 1 to 4, 6, 8 to 15, and 18 to 21 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicants are herein amending claims 1, 2, 10, and 15 and submit that these amendments render moot the rejection of the claims for indefiniteness. Accordingly, applicants request withdrawal of the rejection of claims 1 to 4, 6, 8 to 15, and 18 to 21 under 35 U.S.C. § 112, second paragraph.

Conclusions

Applicants respectfully request:

- (1) a fully-initialed copy of page 2 of Form PTO-1449 (Reference AO);
- (2) entry of the amendments to the specification and claims;

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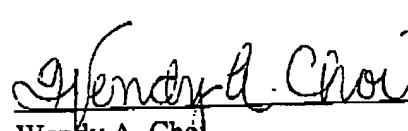
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- (3) reconsideration of the finality of the withdrawal of claim 22;
- (4) withdrawal of the rejection of the claims; and
- (5) allowance of claims 1 to 4, 6, 8 to 15, and 18 to 22.

If the Examiner is of a contrary view, the Examiner is requested to contact the undersigned attorney at (215) 557-3861.

Date: September 4, 2003


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